

OPINION 771

THAMNOPHIS SIRTALIS LINNAEUS, 1758 (REPTILIA): REJECTION UNDER THE PLENARY POWERS OF THE NEOTYPE SPECIMEN DESIGNATED FOR THAT SPECIES BY OPINION 385

RULING.—(1) Under the plenary powers that part of the amendment to Opinion 385 designating an erroneous type-locality (Quebec, Quebec County, Province of Quebec, Canada) and the neotype selected from that locality (Chicago Natural History Museum No. 73660) as the basis for the interpretation of *Coluber sirtalis* Linnaeus, 1758, is hereby set aside.

(2) Under the plenary powers it is hereby Ruled that *Coluber sirtalis* Linnaeus, 1758, is to be interpreted from the description and type-locality given for *Coluber sirtalis* by Richard Harlan, 1827, in *Genera of North American Reptilia* and a Synopsis of the Species. *J. Acad. nat. Sci. Philad.* 5 : 352.

HISTORY OF THE CASE (Z.N.(S.) 1600)

The present case was submitted to the office of the Commission by Dr. Francis R. Cook in April 1963. Dr. Cook's application was sent to the printer on 7 May 1963 and was published on 21 October 1963 in *Bull. zool. Nomencl.* 20 : 397–400. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* 21 : 184) and to two herpetological serials.

The proposal was supported by Dr. A. B. Grobman and opposed by Prof. Hobart M. Smith and Prof. Ernst Mayr (*Bull. zool. Nomencl.* 21 : 189). As a result of objections, and after lengthy correspondence with Dr. Carl L. Hubbs and Dr. L. M. Klauber, Dr. Cook submitted a revised proposal published in *Bull. zool. Nomencl.* 21 : 327–328. This proposal was supported by Prof. J. S. Bleakney and Dr. Douglas A. Rossman whose comments were circulated to the Commission with the Voting Paper.

DECISION OF THE COMMISSION

On 23 August 1965 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (65)30 either for or against the proposal set out in *Bull. zool. Nomencl.* 21 : 328. At the close of the prescribed voting period on 23 November 1965 the state of the voting was as follows:

Affirmative votes—twenty-one (21), received in the following order: China. Vokes, Riley, Obruchev, Alvarado, Simpson, Munroe, Lemche, do Amaral, Tortonese, Stoll, Uchida, Mayr, Boschma, Sabrosky, Jaczewski, Forest, Kraus, Mertens, Brinck, Bonnet.

Negative votes—three (3): Holthuis, Ride, Binder.

Voting Papers not returned—one (1): Hubbs.

The following comments were made by Commissioners in returning their votes:

Prof. G. G. Simpson (20.ix.65): "It seems that the revised proposal by Cook is most likely to stabilize nomenclature, and it is voted for on that basis. Refer-

ence to type-locality is objectionable, but it follows by redundancy from reference to Harlan's use of the name and is therefore not basis for rejecting the proposal.

"In Opinion 385 the Commission made fools of themselves by solemnly and official designating as type-locality a place where the intended species does not in fact occur. The Commission is empowered to deal with nomenclature only, and any tendency to pontificate on other zoological matters should be resisted by the Commission and rejected by other zoologists. Designation of a type-locality may come into question as it bears on nomenclature, but it is not itself a nomenclatural matter or within the duties or competence of the Commission. Recommendation (*not* Article) 72E (whether wise or not) does not bring designation of type-localities into the scope of the Commission any more than, for example 72B, makes the Commission a supervising and administrative corps for museum labels."

Dr. Henning Lemche (11.x.65): "I vote in the affirmative with the exception that I am against the establishment of any type-locality whatsoever.

"The case has demonstrated clearly that type alone must define species. As stated by the Zoological Congress (and not just the Commission as such) in the Recommendation 72E of the Code (1962) 'if a type-locality was erroneously designated it should be corrected.' (Nothing indicates that such correction is the duty of the Commission)."

Mr. C. W. Sabrosky (18.xi.65): "May I note that Dr. Cook has twice misquoted the Code (*Bull. zool. Nomencl.* 20 : 399, para. 13; and 21 : 328, para. 6). Recommendation 72E, being only a recommendation and not a rule, reads 'should be corrected', not 'shall be'."

Dr. W. D. L. Ride (19.xi.65): "In this case the Commission has ruled that the name *Coluber sirtalis* Linnaeus, 1758, be interpreted by reference to a neotype No. 73660 in the Chicago Natural History Museum. The specimen was collected at Quebec [City] and this is its type-locality.

"A type-locality is a property of a type—the two are not separate issues which can be decided by rule. Thus, the Code makes provision for the restriction of types (through lectotype selection, Art. 74) or for the selection of new types (through neotype selection, Art. 75) but it makes no separate provision for the restriction of type-localities beyond those which are inherent in the restriction and selection of types. The statement contained in Recommendation 72E makes it clear that the final arbiter as to whether any previous restriction holds true, is whether or not the type specimen was collected at that locality.

"It therefore follows that arguments as to whether the original type-specimen of *C. sirtalis* Linnaeus was collected at Quebec, or not, are completely immaterial to the case. There is no argument that the neotype was collected there and it is difficult to understand why a valid neotype designation should be set aside because, in 1959, Bleakney took the unusual step of calling the nominate subspecies of *sirtalis* by another subspecific name (i.e. *pallidula* Allan, 1899).

"Smith (*Bull. zool. Nomencl.* 21 : 190) makes the statement that the names of this species have not been especially stable during the last 20 years, and I am unable to vote for this proposal to set aside a neotype appointed and listed by the Commission because I believe that the purposes for which the Commission

is empowered to use the plenary powers would be ill-served by it. Unless we have stability in the Code, in the availability of Listed names, and in the types through which they are to be interpreted, we cannot hope to achieve stability in nomenclature."

CERTIFICATE

We certify that the votes cast on Voting Paper (65)30 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 771.

G. OWEN EVANS

Secretary

International Commission on Zoological Nomenclature

W. E. CHINA

Assistant Secretary

London

10 February 1966